

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Flickerwood Road, 1332' S * ZONING COMMISSIONER
of Mt. Carmel Road * OF BALTIMORE COUNTY
7th Election District * Case No. 93-331-A
3rd Councilmanic District *
Edward J. Stoltz, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Lot #22, adjacent to Flickerwood Road in the Flickerwood Subdivision near Parkton in Baltimore County. The Petitioner/property owners, Edward J. Stoltz and Marlene W. Stoltz, his wife, request relief from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft., in lieu of the required 50 ft. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Marlene W. Stoltz, co-owner of the property. There were no Protestants or interested persons present.

Testimony and evidence presented was that the subject lot is 2.389 acres in area and is zoned R.C.2. As noted above, the property is known as lot No. 22 of the Flickerwood Subdivision. This is a subdivision of substantially sized homes on large lots. Mrs. Stoltz indicated that the requested variance is necessary due to the topography of the property and certain site constraints caused thereby. Specifically, the site is severely sloped with but a small area suitable for the construction of the proposed dwelling. Due to this topography, the Stoltzs wish to locate their

dwelling near the western property line adjacent to a tract owned by Neil A. Malone. Mrs. Stoltz indicated that the tract was largely wooded and that the dwelling at its proposed location would not adversely affect any of the surrounding parcels.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May, 1993 that a variance from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft., in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 20, 1993

Mr. and Mrs. Edward J. Stoltz
3 Quail Hill Court
Parkton, Maryland 21120

RE: Case No. 93-331-A
Petition for Variance
Property: Flickerwood Road- Lot No. 22, Parkton

Dear Mr. and Mrs. Stoltz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.

ORDER RECEIVED FOR FILING
Date 5/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/24/93
By [Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 7A
Posted for: Variance
Petitioner: Edward + Marlene Stoltz
Location of property: S/S Flickerwood Rd, 1332' S/Mt. Carmel Rd, 16918 Flickerwood Rd
Location of signs: Large posters, et. notices to division, localities
Remarks: To property of R.H. Malone
Posted by: [Signature]
Number of signs: 1

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR Flickerwood Road Lot 22
Election District 07 Councilmanic District 3

Beginning at a point on the south side of
(north, south, east or west)
Flickerwood Road which is 50 feet
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 1332.93 feet south of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Mount Carmel Road
(name of street)
which is 33 feet wide. *Being Lot # 22
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of
Flickerwood as recorded in Baltimore County Plat
(name of subdivision)
Book # E.H.K. JR. 40, Folio # 19, containing
104,604 sq. ft. and 2.389 acres
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 16, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 15, 1993.

THE JEFFERSONIAN,

S. Zafe. Orlow
Publisher



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Flickerwood Road-Lot 22, Parkton, MD 21120
which is presently zoned R.C. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A00.3.B.3 1970 REGULATION 5 FOR R.C.2.
TO PERMIT A SIDE YARD SETBACK OF 25' IN LIEU OF THE REQUIRED 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The severe incline and overall topography of the lot make it extremely difficult to use the property for its intended use - home residence. (See attached topography map.) There is only one reasonably level spot on the entire lot that is conducive for house construction. A 25 foot variance to the 50 foot minimum building setback line on the west side of the lot will allow for construction of the house on the level area.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Owner:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode
(410) 343-1565 - Home
3 Quail Hill Ct. (410) 234-6770 - Work
Parkton Maryland 21120
Name, Address and phone number of representative to be contacted.
N/A
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
the following date: Next Two Months
ALL OTHER
REVIEWED BY: [Signature] DATE: 3/20/93
ITEM # 340

93-331-A

BALTIMORE COUNTY, MARYLAND	
OFFICE OF FINANCE - REVENUE DIVISION	
MISCELLANEOUS CASH RECEIPT	
DATE: 5/24/93	
TO: S/S FICKERWOOD RD, LOT 22, PARKTON, MD 21120	
FROM: S/S OF MT. CARMEL RD, LOT 22, PARKTON, MD 21120	
RECEIVED BY: MARLENE STOLTZ	
FOR: RES. VARIANCE & POSTING	
BALANCE DUE: \$0.00	
VALIDATION OR SIGNATURE OF CARRIER	
ITEM # 340	

111 West Chesapeake Avenue
Towson, MD 21204

APR 9 9 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-331-A (Item 340)
Lot 22, Flickerwood Road
S/S Flickerwood Road, 1332' S of Mt. Carmel Road
7th Election District - 3rd Councilmanic
Petitioner(s): Edward J. Stoltz and Marlene W. Stoltz

Variance to permit a side yard setback of 25 ft. in lieu of the required 50 ft.

HEARING: WEDNESDAY, MAY 19, 1993 at 11:00 a.m. in Rm. 106, Office Building.

Bel Jahn
Arnold Jablon
Director

cc: Edward and Marlene Stoltz

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 10, 1993

Mr. and Mrs. Edward J. Stoltz
3 Quail Hill Court
Parkton, MD 21120

RE: Case No. 93-331-A, Item No. 340
Petitioner: Edward J. Stoltz, et ux
Petition for Variance

Dear Mr. and Mrs. Stoltz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 30, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

4-8-93

HELENE KEHRING
Ms. Jahn
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 93-340 (LEO)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5882 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 14, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 320, 340, 341, 346, 349, and 350.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Caryl L. Kerns*

PK/JL:lw

320, ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 21, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #340
Stoltz Property; Flickerwood Road, Lot 22
Zoning Advisory Committee Meeting of April 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and Forest Conservation Regulations.
2. The proposed location will require less grading and will have less potential to adversely affect the stream on-site.

JLP:jbm

STOLTZ/TXTRMP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeiffer, Captain
Fire Department

SUBJECT: Zoning Petitions

#325	No comments
#327	No comments
#332	No comments
#340	No comments
#341	No comments
#342	No comments
#343	No comments
#344	No comments
#345	No comments
#346	No comments
#347	No comments
#348	No comments
#349	No comments
#350	No comments
#351	The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.
#352	No comments

JLP/dal

cc: File

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: Item No.: 340

Petitioner: EDWARD & MARLENE STOLTZ

LOCATION: S/S FLICKERWOOD RD. 1332' S OF MT. CARMEL RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARLENE STOLTZ

ADDRESS: 3 QUAIL HILL CT.

PARKTON, MARYLAND 21120

PHONE NUMBER: H-343-1565 W-234-6720

AJ:ggs
(Revised 3/29/93)

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: Flickerwood Road Lot 22

Subdivision name: Flickerwood

plat book # 40, folio 19, lot 22, section 93-331-A

OWNER: Edward J. and Marlene W. Stoltz

Map A Malone

North

date: 3/30/93 prepared by: Edward J. Stoltz

Scale of Drawing: 1" = 200'

LOCATION INFORMATION

Election District: 07

Councilmanic District: 3

1" = 200' scale map: NW 27-D

Zoning: RC-2

Lot size: 2,329 AC ± 104,064 sq. ft.

SEWER: ☒ WATER: ☒

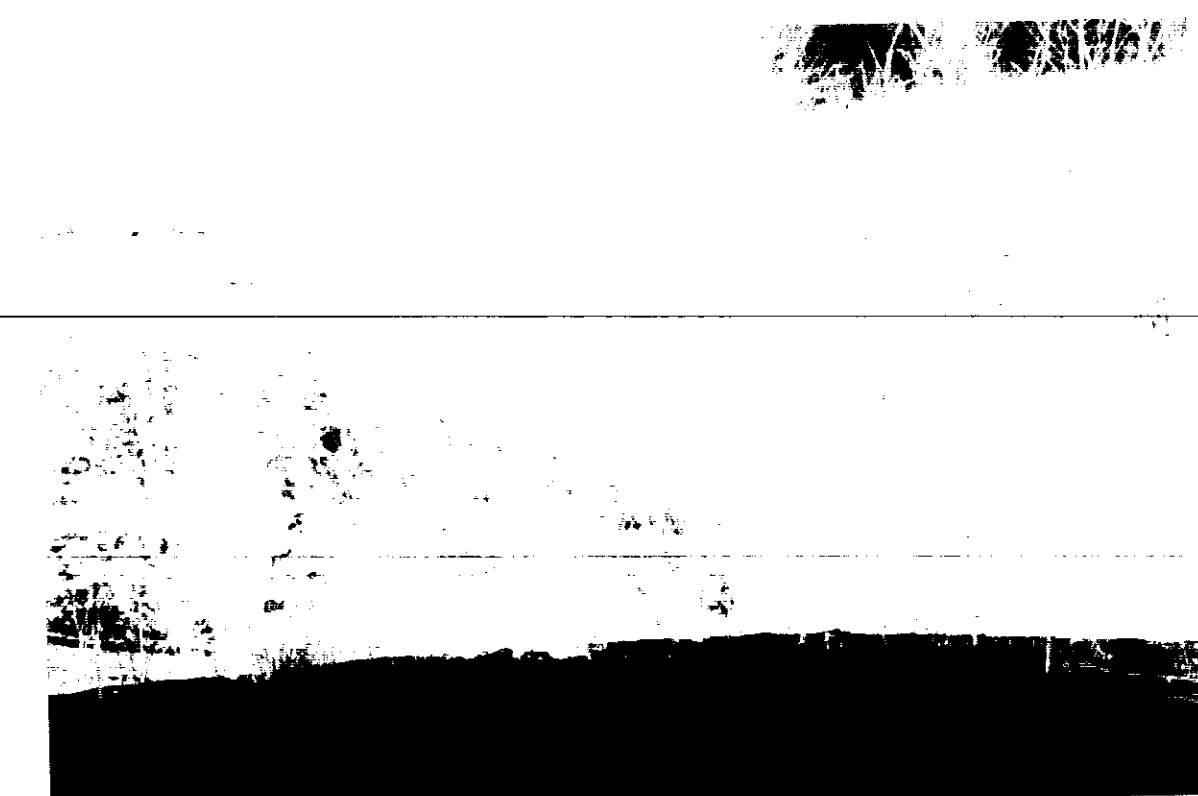
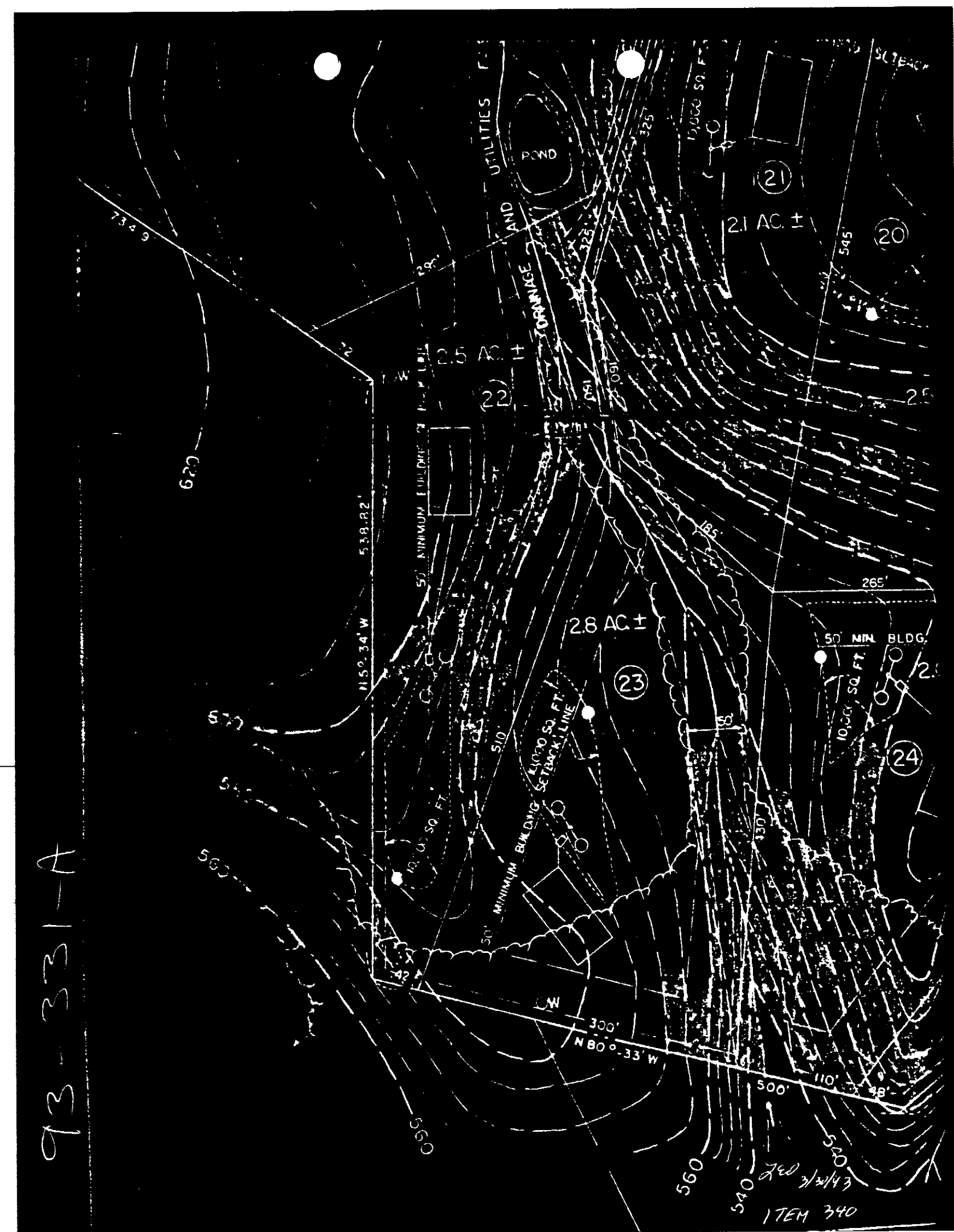
Chesapeake Bay Critical Area: ☐

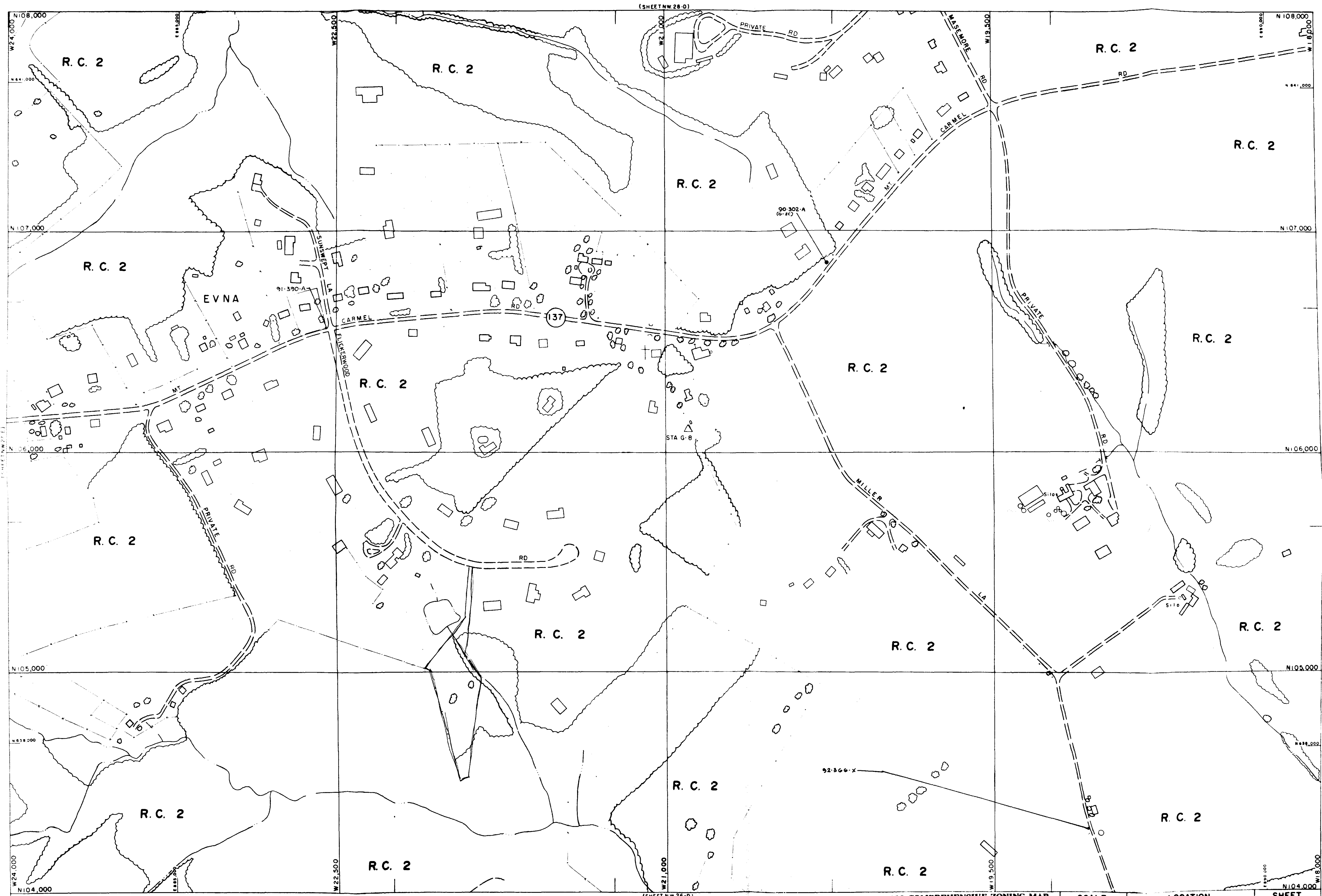
Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

340 3/30/93 340





HH-SW THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 13, 1988 Chairman, County Council	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP	1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 Chairman, County Council	SCALE 1" = 200' DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION EVNA DATE 7/20/93 ITEM 340	SHEET NW 27-D
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93-331-A